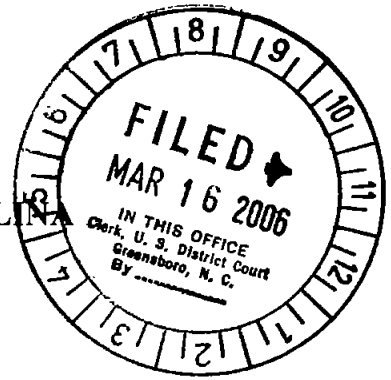


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



GLEN MARK, JR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

1:05CV01037  
CR-89-263-02-G

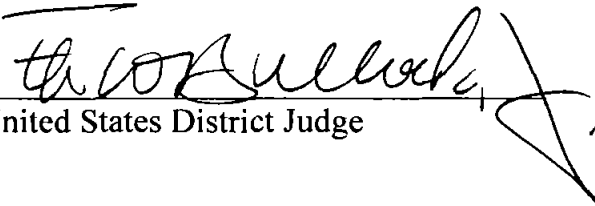
**O-R-D-E-R**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 30, 2005, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Petitioner's motion for reduction of sentence [Pleading No. 1] be construed as a motion to vacate, set aside or correct sentence, and that the motion to vacate be dismissed without prejudice due to Petitioner's failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of

appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d). A judgment dismissing this action will be entered contemporaneously with this Order.

  
\_\_\_\_\_  
United States District Judge

Date: March 14, 2006